

Document 1

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

RYAN JAY PETTEY,
Petitioner,

v.

JAMES SHERMAN, WARDEN,
Respondent.

Civil Action No. 05-131 (Erie)

DECLARATION OF JOYCE HORIKAWA

I, Joyce M. Horikawa, make the following declaration under penalty of perjury:

1. I am a Senior Attorney Advisor employed by the United States Department of Justice, Federal Bureau of Prisons, assigned to the Northeast Regional Office in Philadelphia, Pennsylvania. I have been employed in this position since approximately April 8, 2001. Pursuant to my official duties, I am familiar with Bureau of Prisons policies and regulations governing the release of information and the exhaustion of administrative remedies. Also, pursuant to my official duties, have access to records maintained in the ordinary course of business by the Federal Bureau of Prisons, Northeast Regional Office, including all records maintained on the Bureau of Prisons computerized data base.

2. In order to exhaust all process under the Administrative Remedy Procedure for Inmates, an inmate must first attempt to informally resolve the dispute with institution staff. 28 C.F.R. § 542.13. If informal resolution efforts fail, the inmate may raise his or her complaint to the Warden of the institution in which he or she is confined, within 20 calendar days of the date that the basis of the complaint occurred. 28 C.F.R. §§ 542.13, 542.14. If the Warden denies the administrative remedy request, the inmate may file an appeal with the Regional Director within 20 calendar days of the date of the Warden's response. 28 C.F.R. §§ 542.14, 542.15. If the Regional Director denies the appeal, the inmate may appeal that decision to the General Counsel of the Federal Bureau of Prisons within 30 calendar days from the date of the Regional Director's response. See 28 C.F.R. §§ 542.14 and 542.15. The

administrative remedy process is not considered to be "exhausted" until an inmate's final appeal is denied by the Bureau of Prisons General Counsel.

3. In the ordinary course of business, computerized indexes of all administrative remedy requests and appeals filed by inmates are maintained by the Federal Bureau of Prisons so that rapid verification may be made as to whether an inmate has exhausted the administrative remedy process on a particular issue.

4. In connection with the above-captioned civil action, I accessed the computerized indexes of all administrative remedies filed by inmate Ryan Jay Pettey, Reg. No. 10698-040, the Petitioner in the above-captioned civil action, to determine whether he attempted to exhaust the highest level of administrative appeal challenging his sentence computation based upon the reversal or overruling of the September 25, 2001 decision of the Michigan State Parole Board to suspend his state parole.

5. Following a search of the indexes of all administrative remedies filed by inmate Pettey, it was determined that he had not filed a single administrative remedy request or appeal in which he challenged his federal sentencing computation based upon the reversal or overruling of the September 25, 2001 decision of the Michigan state parole board to suspend his parole. Thus, inmate Pettey has not exhausted his available administrative remedies on any issue challenging his federal sentence computation based upon the reversal or overruling of the September 25, 2001 decision of the Michigan state parole board to suspend his state parole.

6. Pursuant to Bureau of Prisons Program Statement 1351.05, Release of Information (September 19, 2002), inmates may not possess their Presentence Investigation Reports (PSRs), and the Statement of Reasons (SORs), which are commonly appended to Judgment and Commitment Orders. Pursuant to the safeguards taken within the Northeast Region of the Federal Bureau of Prisons, inmates incarcerated in federal prisons within the Bureau of Prisons Northeast Region are also not permitted to

possess their criminal court transcripts or the docket sheets from their criminal trials. Inmates who wish to review their PSRs or SORs may access, review, and make notes from these documents upon submission of a request to a member of their Unit Team. Inmates who wish to review their criminal trial transcripts and/or criminal docket sheets may, with prior approval from their Unit Team, have a copy of these documents sent to prison, where they may be maintained in the inmate's Central File. Thus, the inmate may access, review, and take notes from their criminal trial transcripts and/or their criminal trial docket sheets upon submission of a request to a member of their Unit Team.

7. On or about May 24, 2005, I accessed the criminal docket sheet in the case USA v. Ostrander, et al., Criminal Case Number 1:01:cr-00218-RHB-3 (WDMI- Grand Rapids), and verified that this is the criminal case in which inmate Pettey was federally prosecuted and sentenced. The docket sheet indicates the following:

- a. On or about October 2, 2001, a superseding indictment was filed in this case adding Ryan Jay Pettey as a defendant in this criminal case;
- b. On or about October 23, 2001, a Petition for writ of habeas corpus ad prosequendum was filed by the United States directing the United States Marshals Service to bring inmate Pettey before the federal court on November 1, 2001 for an initial appearance/arraignment;
- c. On or about November 1, 2001, Petitioner Pettey appeared in federal court, stood mute, and a plea of not guilty was entered by the court. Thereafter, the government moved for a three day continuance, and inmate Pettey was remanded to the custody of the United States Marshals Service pending detention hearing and the initial pretrial conference; and
- d. On or about May 3, 2002, inmate Pettey entered a guilty plea in the United States District Court.

8. On or about June 2, 2005, I contacted June Daman, Central Records Supervisor for the State of Michigan, Department of Corrections, in Lansing Michigan, and requested true and correct copies of the following documents which are maintained in the ordinary course of business by the Michigan Department of Corrections:

- (1) Basic Information Report for Ryan Jay Pettey, Michigan Department of Corrections Number A246691; and
- (2) State of Michigan Judgment of Sentence Commitment to Department of Corrections, State of Michigan v. Ryan Jay Pettey, Case Number: 00-08520-FH, Michigan 17th Judicial District, dated November 21, 2000.

9. In accordance with my request, Ms. Daman sent me true and correct copies of the above-listed documents which are maintained in the ordinary course of business by the Michigan Department of Corrections.

10. On or about June 2, 2005, I contacted David Kleinhardt, Parole Board Department Manager, State of Michigan Board of Parole, and requested true and correct copies of the following documents, which are maintained in the ordinary course of business by the Michigan Board of Parole:

- (1) Notice of Decision, dated May 29, 2001;
- (2) Notice of Decision dated October 4, 2001;
- (3) Notice of Decision dated September 20, 2002;
- (4) Notice of Decision dated August 12, 2003; and
- (5) Notice of Parole, dated February 5, 2004.

11. In accordance with my request, Mr. Kleinhardt sent me true and correct copies of the above-listed documents, which are maintained in the ordinary course of business in the computerized data base of the State of Michigan Board of Parole.

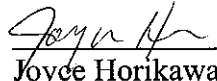
12. Attached please find true and correct copies of the following documents:

- a. Public Information Data of Ryan Jay Pettey, Reg. No. 10698-040;
- b. Michigan Department of Corrections Basic Information Data Report for Ryan Jay Pettey;
- c. Michigan Judgment and Commitment Order, Michigan v. Ryan Jay Pettey, 00-08520-FH (MI, 17th Judicial District);
- d. Michigan Parole Board Notice of Decision, dated May 29, 2001;

- e. Michigan Parole Board Notice of Decision, dated October 4, 2001;
- f. Michigan Parole Board Notice of Decision, dated September 20, 2002;
- g. Michigan Parole Board Notice of Decision, dated August 12, 2003;
- h. Michigan Parole Board Notice of Parole, dated February 5, 2004;
- i. Federal Sentence Monitoring Computation Data, for Ryan Jay Pettey, Reg. No. 10698-040; and
- j. Administrative Remedy Case Number 357014

I declare the foregoing is true and correct to the best of my knowledge and belief, and is given under penalty of perjury pursuant to 28 U.S.C. § 1746.

Executed this 7th day of June, 2005



Joyce Horikawa
Senior Attorney
Federal Bureau of Prisons
Philadelphia, PA

Document 1a

NERH4 * PUBLIC INFORMATION * 05-24-2005
 PAGE 001 * INMATE DATA * 10:14:40
 AS OF 05-24-2005

REGNO...: 10698-040 NAME: PETTEY, RYAN JAY

RESP OF: MCK / DESIGNATED, AT ASSIGNED FACIL
 PHONE...: 814-362-8900 FAX: 814-363-6821

FBI NUMBER.: 951244FA1 RACE/SEX...: WHITE / MALE
 PROJ REL MT: GOOD CONDUCT TIME RELEASE DOB/AGE....: 04-25-1969 / 36
 PROJ REL DT: 07-12-2008 PAR ELIG DT: N/A
 PAR HEAR DT:

----- ADMIT/RELEASE HISTORY -----

FCL	ASSIGNMENT	DESCRIPTION	START DATE/TIME	STOP DATE/TIME
MCK	A-DES	DESIGNATED, AT ASSIGNED FACIL	07-01-2004 0830	CURRENT
S42	RELEASE	RELEASED FROM IN-TRANSIT FACIL	07-01-2004 0830	07-01-2004 0830
S42	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACIL	07-01-2004 0552	07-01-2004 0830
LEW	HLD REMOVE	HOLDOVER REMOVED	07-01-2004 0552	07-01-2004 0552
LEW	A-HLD	HOLDOVER, TEMPORARILY HOUSED	06-28-2004 1815	07-01-2004 0552
A01	RELEASE	RELEASED FROM IN-TRANSIT FACIL	06-28-2004 1815	06-28-2004 1815
A01	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACIL	06-28-2004 0900	06-28-2004 1815
OKL	HLD REMOVE	HOLDOVER REMOVED	06-28-2004 0800	06-28-2004 0800
OKL	A-HLD	HOLDOVER, TEMPORARILY HOUSED	05-26-2004 1705	06-28-2004 0800
A02	RELEASE	RELEASED FROM IN-TRANSIT FACIL	05-26-2004 1805	05-26-2004 1805
A02	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACIL	05-26-2004 1126	05-26-2004 1805
MIL	HLD REMOVE	HOLDOVER REMOVED	05-26-2004 1126	05-26-2004 1126
MIL	A-HLD	HOLDOVER, TEMPORARILY HOUSED	03-24-2004 1207	05-26-2004 1126
O-Z	RELEASE	RELEASED FROM IN-TRANSIT FACIL	03-24-2004 1207	03-24-2004 1207
O-Z	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACIL	03-15-2004 0830	03-24-2004 1207
CDT	ADMIN REL	ADMINISTRATIVE RELEASE	03-15-2004 0830	03-15-2004 0830
CDT	A-ADMIN	ADMINISTRATIVE ADMISSION	03-15-2004 0823	03-15-2004 0830
BMP	UNCOMT RMV	UNCOMMITTED CASE REMOVED	07-03-2003 1404	03-15-2004 0823
BMP	A-UNCOMMIT	UNCOMMITTED PERSON	07-03-2003 1402	07-03-2003 1404

G0002 MORE PAGES TO FOLLOW . . .

NERH4 * PUBLIC INFORMATION * 05-24-2005
PAGE 002 * INMATE DATA * 10:14:40
AS OF 05-24-2005

REGNO...: 10698-040 NAME: PETTEY, RYAN JAY

RESP OF: MCK / DESIGNATED, AT ASSIGNED FACIL
PHONE...: 814-362-8900 FAX: 814-363-6821
PRE-RELEASE PREPARATION DATE: 02-05-2008

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S CURRENT COMMITMENT.
THE INMATE IS PROJECTED FOR RELEASE: 07-12-2008 VIA GCT REL

-----CURRENT JUDGMENT/WARRANT NO: 010 -----

COURT OF JURISDICTION.....: MICHIGAN, WESTERN DISTRICT
DOCKET NUMBER.....: 1:01-CR-218-03
JUDGE.....: BELL
DATE SENTENCED/PROBATION IMPOSED: 08-15-2002
DATE COMMITTED.....: 07-01-2004
HOW COMMITTED.....: US DISTRICT COURT COMMITMENT
PROBATION IMPOSED.....: NO

	FELONY ASSESS	MISDMNR ASSESS	FINES	COSTS
NON-COMMITTED.:	\$100.00	\$00.00	\$300.00	\$00.00

RESTITUTION...: PROPERTY: NO SERVICES: NO AMOUNT: \$00.00

-----CURRENT OBLIGATION NO: 010 -----

OFFENSE CODE....: 541
OFF/CHG: 18:1952(A) (3) AND 2 INTERSTATE TRAVEL IN AID OF RACKETEERING

SENTENCE PROCEDURE.....: 3559 PLRA SENTENCE
SENTENCE IMPOSED/TIME TO SERVE.: 60 MONTHS
TERM OF SUPERVISION.....: 3 YEARS
DATE OF OFFENSE.....: 08-31-2000

G0002 MORE PAGES TO FOLLOW . . .

NERH4	*	PUBLIC INFORMATION	*	05-24-2005
PAGE 003 OF 003	*	INMATE DATA	*	10:14:40
		AS OF 05-24-2005		

REGNO...: 10698-040 NAME: PETTEY, RYAN JAY

RESP OF: MCK / DESIGNATED, AT ASSIGNED FACIL
PHONE...: 814-362-8900 FAX: 814-363-6821

-----CURRENT COMPUTATION NO: 010 -----

COMPUTATION 010 WAS LAST UPDATED ON 07-30-2004 AT MCK AUTOMATICALLY

THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN
CURRENT COMPUTATION 010: 010 010

DATE COMPUTATION BEGAN.....: 03-05-2004
TOTAL TERM IN EFFECT.....: 60 MONTHS
TOTAL TERM IN EFFECT CONVERTED...: 5 YEARS
EARLIEST DATE OF OFFENSE.....: 08-31-2000

TOTAL PRIOR CREDIT TIME.....: 0
TOTAL INOPERATIVE TIME.....: 0
TOTAL GCT EARNED AND PROJECTED...: 235
TOTAL GCT EARNED.....: 54
STATUTORY RELEASE DATE PROJECTED: 07-12-2008
SIX MONTH /10% DATE.....: N/A
EXPIRATION FULL TERM DATE.....: 03-04-2009

PROJECTED SATISFACTION DATE.....: 07-12-2008
PROJECTED SATISFACTION METHOD....: GCT REL

S0055 NO PRIOR SENTENCE DATA EXISTS FOR THIS INMATE

Document 1b

BASIC INFORMATION REPORT

Court Name (Last, First, Middle)				MDOC No.		Local Police Dept. #		Local Computer #											
PETTEY, RYAN JAY				A246691		4169		0											
Alias / Maiden				Given Name															
"R.J."				SAME															
Place of Birth		HASTINGS, MI		Citizenship		USA		Last Known Address & Telephone No.											
State & DLN:		MI P 300 755 379 318		DOB:		4/25/69		11238 SHANER ROCKFORD, MI 49341 TX: 616-866-4996											
SSN:		370 96 0793		SID No.		1391094T		FBI No. 951244FA1											
Race		Sex		Hair		Eyes		Height		Weight		Highest Grade		Occupation		Health Ins.		Assets-\$1,500 & Up	
W		M		BRO		BRO		6'0"		175		GED		PLUMBER		NO		NO	
Mo. Inc. of \$75 & Up		Marital Status		Dependants		Religion		Military Branch		Military Dates		Discharge Type							
YES		SINGLE		1		CHRISTIAN		N/A		N/A		N/A							
Marks, Scars, Amputations, Tattoos:										Drug Abuse		Alcohol Abuse		Known Homosexual		Mental Health Treatment			
SC: R LEG & UNDER L EYE										YES		YES		NO		NO			

CRIMINAL HISTORY

Juvenile			Adult				Status at Time of Offense					
Comm.	Prob.	Esc.	Jail	Pris.	Prob.	Esc.	_ None	_ HYTA	<input checked="" type="checkbox"/> Probation	_ District Probation	_ Delayed Sentence	
0	0	0	7	1	9	0	_ Parole	_ Jail	_ State Prison	_ On Bond		
Age at First Arrest		CSC Convictions		SAI Eligible		Pending Charges in Court				# Prior Felony convictions		
17		0		NO		NO				7		
Type of Report		County		KENT 41		Agent & Caseload No.		C. SCHWEIGERT 3499				
		DOC Recommended Disposition				Probation Violation New Sentence				Probation Violation Technical		
PSI 10/25/00		3				NO				NO		

CURRENT OFFENSE

No 1 of	1	Docket No:	00-08520-FH	Last Name:	PETTEY	
PACC code	Offense	Max		Habitual	Attempt	Consecutive Sentence
33.74012A4	POSS. COC. L/50 GRAMS.	20 YRS		NO	NO	NO
Victim/Relationship	N/A		Codefendant(s)		N/A	
Victim/Relationship	N/A		Codefendant(s)		N/A	
Circuit	Judge	Attorney		Appointed or Retained		
17 Circuit Court	DONALD A. JOHNSTON	PEDRO FERRAR		RETAINED		
Method of Conviction	Date of Offense	Date of Arrest	Date of Bond	Date of Conviction	Jail Credit	Guilty but Mentally Ill
PLEA	8/7/00	8/7/00	0	10/17/00	FR: 8/7/00	NO

DISPOSITION

Sentence Type		Sentence Date		CTN		Fine		Cost		Restitution					
PRISON		11/21/00		410022765402											
Minimum			Maximum			Life		Jail		Supervision Fees		Crime Victims Assessment			
Years	Months	Days	Years	Months	Days			Months	Days						
0	14	0	0	240	0										
Sentencing Guideline Range						Low	0	High	34	Life	Not Applicable				
Sentencing Guideline Prior Record Total:						50		Sentencing Guideline Offense Variable Total:						5	
Comments:															

Document 1c

STATE OF MICHIGAN JUDICIAL DISTRICT 17TH JUDICIAL CIRCUIT	JUDGMENT OF SENTENCE COMMITMENT TO DEPARTMENT OF CORRECTIONS	CASE NO. 00-08520-FH
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ORI MI - 410025J Court address: 333 Monroe NW, Grand Rapids, MI 49503 Court telephone number

THE PEOPLE OF	<input checked="" type="checkbox"/> The State of Michigan	v	Defendant's name, address, and telephone no RYAN JAY PETTEY
			CTN 41 00 227654 02 SID 1391094T DOB 10-17-00

Prosecuting attorney name William A. Forsyth	Bar no P23770	Defendant attorney name Pedro Ferrer	Bar no.
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THE COURT FINDS:

1. Defendant, represented by counsel, was found guilty on 10-17-00 of the crime(s) as stated below Date

*Please: insert "G" for guilty plea; use "NC" for nolo contendere; use "MI" for guilty but mentally ill. *Use "X" if sentence is to be enhanced because of Habitual Offender Act.

Count	CONVICTED BY Plea* Court Jury	CRIME	CHARGE CODE(S) MCL citation/PACC Code
1	G	PWID 1/50g cocaine	333.74012A4

☐ 2 Conviction reportable to Secretary of State under MCL 257 732 or MCL 281 1040

The defendant's driver's license number is: _____

☐ 3. HIV testing was ordered on _____. Confidential test results are on file.

IT IS ORDERED: JACKSON

4. Defendant is sentenced to custody of Michigan Department of Corrections. This sentence shall be executed immediately.

Count	SENTENCE DATE	MINIMUM Years Mos. Days	MAXIMUM Years Mos. Days	DATE SENTENCE BEGINS	JAIL CREDIT Mos. Days	OTHER INFORMATION
1	11-21-00	0 14 0	0 240 0	8-7-00	0 0	

☐ Defendant shall pay restitution of \$ _____. If a cash bond/bail was personally posted by the defendant, payment toward restitution is to first be collected out of that bond/bail and allocated as specified under MCL 775.22.

☐ 5 Sentence(s) to be served consecutively to:

☐ each other. ☐ case number(s) _____

6. Defendant shall pay a \$60.00 assessment for the Crime Victim Rights Fund.

7 Court recommendation: Substance abuse treatment in prison and on parole

☐ 8. Defendant shall pay a \$150.00 assessment for forensic lab test.

11-21-00
Date

DONALD A. JOHNSTON
Judge Donald A. Johnston

P15554
Bar no.

Under MCL 769.16a the clerk of the court shall send a copy of this order to the Michigan State Police Central Records Division to create a criminal history record

I certify that this is a correct and complete abstract from the original court records. The sheriff shall, without needless delay, deliver defendant to the Michigan Department of Corrections at a place designated by the department.

(SEAL)

Deputy court clerk

Document 1d

Name: PETTEY RYAN JAY	Number: B246691	Location: YGR	Mailed: 06/06/2005
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The Michigan Parole Board, having attained jurisdiction over the sentence of the above prisoner, having considered the facts and circumstances including the prisoner's mental and social attitude, and having exercised the discretion granted by the Legislature, says as follows:

☒ Reasonable assurance exists that the prisoner will not become a menace to society or to the public safety, and therefore investigation of parole is warranted. If the proposed placement preliminarily acts as follows:

DECISION DATE: 05/29/2001	ACTION: Parole	TERM OF PAROLE: 24 Months	PROJECTED PAROLE DATE: 09/20/2001
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61

RED

61

Regarding 30-day notice:

Inmate agreed with receiving 30 days notice

SPECIAL CONDITIONS IMPOSED IN ADDITION TO STANDARD RULES:

- 2 0 You must not use or possess alcoholic beverages or other intoxicants. You must not enter bars or other places where the primary purpose is to serve alcoholic beverages for drinking on site, unless the field agent has first given you written permission.
- 3.4 You must complete the following program:
- 7 1 You must pay the cost of your treatment program according to your ability as determined by the treatment program

REASONS IN SUPPORT OF PAROLE BOARD ACTION:

Crime & Criminal Behavior

The present offense is non-assaultive

1

The present offense is not sexually motivated

Name: PETTEY RYAN JAY	Number: B246691	Location: YGR	Mailed: 06/06/2005
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Correctional Adjustment

While incarcerated, the prisoner showed the ability to follow rules and refrain from negative conduct

The prisoner's prior post conviction corrections history includes:

Successful completion of past paroles

Program Involvement

No identified need of psychological or psychiatric programming

Educational programming was recommended and:

Prisoner is high school graduate or has GED

Through involvement in community programs, the prisoner has:

Met criteria for community placement

Personal History**The placement plan submitted by the offender in the PER:**

Proposed placement acceptable; pending MDOC approval

Shows suitable arrangements for work

"Misconduct, security reclassification or other adverse information may result in suspension of this parole action"

Miguel Berrios

Miguel Berrios 5/24/2001

Stephen H. Marschke

Stephen Marschke 5/29/2001

Document 1e

Name: PETTEY RYAN JAY	Number: B246691	Location: YGR	Mailed: 06/06/2005
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The Michigan Parole Board, having attained jurisdiction over the sentence of the above prisoner, having considered the facts and circumstances including the prisoner's mental and social attitude, and having exercised the discretion granted by the legislature, says as follows:

☒ The Parole Board lacks reasonable assurance that the prisoner will not become a menace to society or to the public safety and denial of parole is warranted with action as follows:

DECISION DATE: 10/04/2001	ACTION: Continue	TERM OF DENIAL: 12 Months	RECONSIDERATION DATE: 09/25/2002
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REASONS IN SUPPORT OF PAROLE BOARD ACTION:

Summary:

RECOMMENDATIONS FOR CORRECTIVE ACTION WHICH MAY FACILITATE RELEASE:

- Demonstrate responsible behavior by earning positive work reports
- Demonstrate responsible behavior by earning positive reports in any programs you may be involved in
- Demonstrate responsible behavior by avoiding situations which result in misconduct citations
- Demonstrate responsible behavior by earning good block or staff reports of conduct in the housing unit
- Enter into or continually involve yourself in substance abuse programming
- Provide additional demonstration of positive prison behavior during the period of the continuance

COMPLETION DOES NOT GUARANTEE A POSITIVE ACTION

Miguel Berrios
Miguel Berrios 10/1/2001

Stephen H. Marschke
Stephen Marschke 10/4/2001

Document 1f

Name: PETTEY RYAN JAY	Number: B246691	Location: RGC	Mailed: 06/09/2005
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The Michigan Parole Board, having attained jurisdiction over the sentence of the above prisoner, having considered the facts and circumstances including the prisoner's mental and social attitude, and having exercised the discretion granted by the legislature, says as follows:

☒ The Parole Board lacks reasonable assurance that the prisoner will not become a menace to society or to the public safety and denial of parole is warranted with action as follows:

DECISION DATE: 09/20/2002	ACTION: Continue	TERM OF DENIAL: 12 Months	RECONSIDERATION DATE: 09/26/2003
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29

Regarding 30-day notice:

Inmate waived the 30 days notice

REASONS IN SUPPORT OF PAROLE BOARD ACTION:

Crime & Criminal Behavior

The drug law violation:

Involved drugs for profit

The prisoner has a criminal history:

Involving similar behavior to current offense

Of violent misdemeanors

Includes drug/alcohol related crimes

Of established criminal behavior

Of felony assaultive crime(s)

Correctional Adjustment

The prisoner's prior post conviction corrections history includes:

A history of probation failure

Commission of crime while under supervision

Personal History

The prisoner has a history of substance abuse which:

Is of long standing duration

Is of a polysubstance nature

Name:	Number:	Location:	Mailed:
PETTEY RYAN JAY	B246691	RGC	06/06/2005

Personal History

The prisoner's social history indicates:
Unstable employment history

RECOMMENDATIONS FOR CORRECTIVE ACTION WHICH MAY FACILITATE RELEASE:

Provide additional demonstration of positive prison behavior during the period of the continuance

COMPLETION DOES NOT GUARANTEE A POSITIVE ACTION

William Reed

William Reed 9/16/2002

Marianne E. Samper

Marianne Samper 9/20/2002

Document 1g

Name: PETTEY RYAN JAY	Number: B246691	Location: RCF	Mailed: 06/06/2005
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The Michigan Parole Board, having attained jurisdiction over the sentence of the above prisoner, having considered the facts and circumstances including the prisoner's mental and social attitude, and having exercised the discretion granted by the legislature, says as follows:

☒ The Parole Board lacks reasonable assurance that the prisoner will not become a menace to society or to the public safety and denial of parole is warranted with action as follows:

DECISION DATE: 08/12/2003	ACTION: Continue	TERM OF DENIAL: 12 Months	RECONSIDERATION DATE: 09/25/2004
-------------------------------------	----------------------------	-------------------------------------	--

29

Regarding 30-day notice:

Inmate agreed with receiving 30 days notice

REASONS IN SUPPORT OF PAROLE BOARD ACTION:

Crime & Criminal Behavior

The prisoner has a criminal history:

Includes drug/alcohol related crimes
Of established criminal behavior
Of felony assaultive crime(s)
Involving similar behavior to current offense
Of violent misdemeanors

Correctional Adjustment

The behavior reflected in the misconducts:

Shows that prisoner has received misconduct(s) since coming to MDOC or since last PBI

The prisoner's prior post conviction corrections history includes:

A history of probation failure
Commission of crime while under supervision

Personal History

The prisoner has a history of substance abuse which:

Is of long standing duration
Is of a polysubstance nature

Name: PETTEY RYAN JAY	Number: B246691	Location: RCF	Mailed: 06/06/2005
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Personal History

The prisoner's social history indicates:

Unstable social or family history

RECOMMENDATIONS FOR CORRECTIVE ACTION WHICH MAY FACILITATE RELEASE:

Develop a positive work record

Enter into or continually involve yourself in substance abuse programming

Provide additional demonstration of positive prison behavior during the period of the continuance

COMPLETION DOES NOT GUARANTEE A POSITIVE ACTION



James Bartholomew 7/30/2003



Miguel Berrios 8/12/2003

Document 1h

MICHIGAN DEPARTMENT OF CORRECTIONS
PAROLE BOARD NOTICE OF PAROLE

CE-662 PAGE 01
4835-1119
(10/94) CAX-119A

The Parole Board hereby orders the parole of the person named below in accordance with the particulars appearing on the face of this certificate and the conditions stated on the Parole Board Order for Parole.

NAME PETTEY RYAN JAY		NUMBER B 246691	INST RCF	PAROLE DATE 03/03/2004	TERM 18M D	EXPIRATION DATE 09/05/2005	
RESIDE WITH US MARSHAL GRAND RAPIDS		110 MICHIGAN AVENUE NW PH. 456-2958					
REPORT TO BRANDON VALENTINE		PGR 3505		OFFICE (616) 356-0450		HOME (616) 361-2455	
350 OTTAWA AVE. NW - SUITE 2D GRAND RAPIDS 49503							
SOCIAL SECURITY NUMBER 370-96-0793	DATE OF BIRTH 04/25/69	FBI NUMBER 951244FA1	SID NUMBER 1391094T	SEX M	RACE W	HEIGHT 6' 0"	WEIGHT 175
HAIR BRN	EYES BRN	BUILD MED	COMPLEXION MED	MARKS AND SCARS TAT ARMS, SC R LEG, L EYE			
AGENCIES			ND				

RELEASE INSTRUCTIONS

YOU ARE BEING PAROLED TO THE U.S. MARSHAL. THIS ORDER FOR PAROLE IS NULL AND VOID IF NOT CALLED FOR BY THE U.S. MARSHAL. IF AND WHEN YOU ARE RELEASED BY THE U.S. MARSHAL FOR ANY REASON, YOU MUST CONTACT THE FIELD AGENT AT THE PAROLE OFFICE INDICATED ON THIS ORDER NO LATER THAN THE FIRST BUSINESS DAY FOLLOWING RELEASE.

REPORT IN PERSON TO YOUR PAROLE AGENT UPON ARRIVAL

PURSUANT TO MCL 791.236A AS AMENDED BY PUBLIC ACT 184 OF 1993, YOU MUST PAY A SUPERVISION FEE OF \$ 450.00. THE FEE IS PAYABLE WHEN THE PAROLE ORDER IS ENTERED, BUT THE FEE MAY BE PAID IN MONTHLY INSTALLMENTS TO BE DETERMINED BY THE FIELD AGENT. YOU WILL NOT BE REQUIRED TO PAY A SUPERVISION FEE TO MICHIGAN WHEN YOU ARE BEING SUPERVISED IN ANOTHER STATE UNDER THE PROVISIONS OF THE INTERSTATE PROBATION AND PAROLE COMPACT, PURSUANT TO MCL 798.103.

PURSANT TO MCL 780.905 YOU MUST PAY THE CRIME VICTIMS ASSESSMENT OF \$ 60.00 AS ORDERED BY THE SENTENCING COURT AS INDICATED ON THE JUDGMENT OF SENTENCE. THE CRIME VICTIMS ASSESSMENT IS PAYABLE WHEN THE PAROLE ORDER IS ENTERED, BUT MAY BE PAID IN MONTHLY INSTALLMENTS TO BE DETERMINED BY THE FIELD AGENT.

***** SPECIAL CONDITIONS *****

CONTINUED ON NEW PAGE.

MICHIGAN PAROLE BOARD

ATTEST

DATE 02/05/04

JOHN RUBITSCHUN

NOTE: Parole violation(s) may result in the loss of good time or disciplinary credits.

MICHIGAN DEPARTMENT OF CORRECTIONS
PAROLE BOARD NOTICE OF PAROLE

CB-662 PAGE 02
4835-1119
(10/94) CAX-119A

The Parole Board hereby orders the parole of the person named below in accordance with the particulars appearing on the face of this certificate and the conditions stated on the Parole Board Order for Parole.

NAME PETTEY RYAN JAY		NUMBER B 246691	INST RCF	PAROLE DATE 03/03/2004	TERM 18M D	EXPIRATION DATE 09/03/2005	
RESIDE WITH US MARSHAL GRAND RAPIDS		110 MICHIGAN AVENUE NW PH. 456-2958					
REPORT TO BRANDON VALENTINE		PGR 3505		OFFICE (616) 356-0450		HOME (616) 361-2455	
350 OTTAWA AVE. NW - SUITE 2D GRAND RAPIDS 49503							
SOCIAL SECURITY NUMBER 370-96-0793	DATE OF BIRTH 04/28/69	FBI NUMBER 951244FA1	SID NUMBER 1391094T	SEX M	RACE W	HEIGHT 6' 0"	WEIGHT 175
HAIR BRN	EYES BRN	BUILD MED	COMPLEXION MED	MARKS AND SCARS TAT ARMS, SC R LEG, L EYE			
AGENCIES			ND				

RELEASE INSTRUCTIONS

CONTINUED FROM PREVIOUS PAGE

2.0 YOU MUST NOT USE OR POSSESS ALCOHOLIC BEVERAGES OR OTHER INTOXICANTS. YOU MUST NOT ENTER BARS OR OTHER PLACES WHERE THE PRIMARY PURPOSE IS TO SERVE ALCOHOLIC BEVERAGES FOR DRINKING ON SITE, UNLESS THE FIELD AGENT HAS FIRST GIVEN YOU WRITTEN PERMISSION FOR YOUR EMPLOYMENT AT A SPECIFIC LOCATION.

2.3 YOU MUST NOT OWN OR POSSESS ANY PAGING DEVICE OR CELLULAR PHONE, TWO-WAY RADIO, OR OTHER SIMILAR MOBILE COMMUNICATION DEVICE.

7.1 YOU MUST PAY THE COST OF YOUR TREATMENT PROGRAM ACCORDING TO YOUR ABILITY AS DETERMINED BY THE TREATMENT PROGRAM.

THIS PERSON PARTICIPATED IN THE FIRST PHASE OF THE DEPARTMENT'S SUBSTANCE ABUSE PROGRAM AND NEEDS CONTINUING TREATMENT.

2.1 YOU MUST COMPLETE OUTPATIENT OR RESIDENTIAL SUBSTANCE ABUSE TREATMENT WHEN YOU ARE REFERRED BY THE FIELD AGENT.

4.3 YOU MUST RESIDE IN/AT DETAINER ONLY UPON YOUR RELEASE TO PAROLE.

MICHIGAN PAROLE BOARD

ATTEST

DATE 02/05/04

JOHN RUBITSCHUN

NOTE: Parole violation(s) may result in the loss of good time or disciplinary credits.

DISTRIBUTION: Blue - Central Office File; Blue - Parole Agent

Document 1i

NERH4 540*23 *	SENTENCE MONITORING	*	05-24-2005
PAGE 001 *	COMPUTATION DATA	*	10:15:14
	AS OF 05-24-2005		

REGNO...: 10698-040 NAME: PETTEY, RYAN JAY

FBI NO.....: 951244FA1	DATE OF BIRTH: 04-25-1969
ARS1.....: MCK/A-DES	
UNIT.....: B	QUARTERS.....: B03-128L
DETAINERS.....: NO	NOTIFICATIONS: NO

PRE-RELEASE PREPARATION DATE: 02-05-2008

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S CURRENT COMMITMENT.
THE INMATE IS PROJECTED FOR RELEASE: 07-12-2008 VIA GCT REL

-----CURRENT JUDGMENT/WARRANT NO: 010 -----

COURT OF JURISDICTION.....: MICHIGAN, WESTERN DISTRICT
DOCKET NUMBER.....: 1:01-CR-218-03
JUDGE.....: BELL
DATE SENTENCED/PROBATION IMPOSED: 08-15-2002
DATE COMMITTED.....: 07-01-2004
HOW COMMITTED.....: US DISTRICT COURT COMMITMENT
PROBATION IMPOSED.....: NO

	FELONY ASSESS	MISDMNR ASSESS	FINES	COSTS
NON-COMMITTED.:	\$100.00	\$00.00	\$300.00	\$00.00

RESTITUTION...: PROPERTY: NO SERVICES: NO AMOUNT: \$00.00

-----CURRENT OBLIGATION NO: 010 -----

OFFENSE CODE.....: 541
OFF/CHG: 18:1952(A) (3) AND 2 INTERSTATE TRAVEL IN AID OF RACKETEERING

SENTENCE PROCEDURE.....: 3559 PLRA SENTENCE
SENTENCE IMPOSED/TIME TO SERVE.: 60 MONTHS
TERM OF SUPERVISION.....: 3 YEARS
DATE OF OFFENSE.....: 08-31-2000

G0002 MORE PAGES TO FOLLOW . . .

NERH4 540*23 *	SENTENCE MONITORING	*	05-24-2005
PAGE 002 OF 002 *	COMPUTATION DATA	*	10:15:14
	AS OF 05-24-2005		

REGNO...: 10698-040 NAME: PETTEY, RYAN JAY

-----CURRENT COMPUTATION NO: 010 -----

COMPUTATION 010 WAS LAST UPDATED ON 07-30-2004 AT MCK AUTOMATICALLY

THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN
CURRENT COMPUTATION 010: 010 010

DATE COMPUTATION BEGAN.....: 03-05-2004
TOTAL TERM IN EFFECT.....: 60 MONTHS
TOTAL TERM IN EFFECT CONVERTED...: 5 YEARS
EARLIEST DATE OF OFFENSE.....: 08-31-2000

TOTAL PRIOR CREDIT TIME.....: 0
TOTAL INOPERATIVE TIME.....: 0
TOTAL GCT EARNED AND PROJECTED...: 235
TOTAL GCT EARNED.....: 54
STATUTORY RELEASE DATE PROJECTED: 07-12-2008
SIX MONTH /10% DATE.....: N/A
EXPIRATION FULL TERM DATE.....: 03-04-2009

PROJECTED SATISFACTION DATE.....: 07-12-2008
PROJECTED SATISFACTION METHOD....: GCT REL

S0055 NO PRIOR SENTENCE DATA EXISTS FOR THIS INMATE

Document 1j

U.S. DEPARTMENT OF JUSTICE

Federal Bureau of Prisons

Type or use ballpoint pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: Petty Ryan 10698-040 BB
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A- INMATE REQUEST

I'm asking for time to be credited towards my federal sentence that I spent in state custody. I know my federal sentence was to run consecutive to my state charge. But under 18 USC 3568 A Defendant is entitled to time spent in State prison if his continued confinement was the result of federal law enforcement officials action, which in my case it was. I was set to be released on 9/26/01, on 9/13/01 the FBI Requested a hold on me, on 9/25/01 the Michigan Parole board Suspended my Parole due to Information Received by the FBI. Because of the Information my state sentence was enhanced $2\frac{1}{2}$ years longer than I should of served and under 18 USC 3586 I'm entitled to get credit for time spent in state custody from 9/26/01 to 3/5/04. I would of been Released on 9/26/01 if it wasn't for the FBI Asking the State of Michigan to hold me. The documents I provided support the facts that I was detained only because of the action by the F.B.I. So I would like to be credited with the time I spent in State custody from 9/26/01 to 3/5/04 towards my federal sentence

10-18-04
DATE

Ryan Petty
SIGNATURE OF REQUESTER

Part B- RESPONSE

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 357014

CASE NUMBER: _____

Part C- RECEIPT

Return to: _____
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: _____

DATE

000001
 RECIPIENT'S SIGNATURE (STAFF MEMBER)

BP-229(13)
 APRIL 1982



PETTEY, Ryan
Reg. No. 10698-040
MCK 357014-F1

PART B - RESPONSE

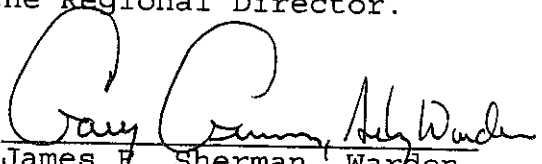
This is in response to your Request for Administrative Remedy receipted in my office on October 18, 2004, wherein you request credit for time spent in state custody.

An investigation has been conducted and reveals on November 21, 2000, you received a state sentence of 14 months to 20 years. While serving the state sentence, you were borrowed by federal authorities on October 25, 2001 on charges of Interstate Travel in Aid of Racketeering, in violation of 18 U.S.C. §§ 1952(a)(3) and 2. On August 15, 2002, a federal sentence of 60 months was imposed. This sentence was ordered to run consecutive to your state sentence, and you were returned to state custody on August 22, 2002, with a detainer for the federal sentence. You did have a parole date with the state for September 26, 2001; however, on September 25, 2001, the Michigan Parole Board exercised its right to reconsider the prior decision by suspending the September 26, 2001, parole date. The federal charges did not cause you to be held past the maximum term of 20 years, the parole board merely took into consideration the seriousness of the crimes you were being charged with before awarding you a parole date. You were returned to state custody in August 2002, but did not receive a parole date until March 5, 2004. The time you are requesting was credited against your state sentence and cannot be awarded against your federal sentence.

Based on this information, your Request for Administrative Remedy is denied.

In the event you are not satisfied with this response, you may appeal within twenty (20) calendar days from the date of this response by submitting a BP-DIR-230 to the Regional Director.

11/9/04
Date


James F. Sherman, Warden

000002

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy of the completed BP-DIR-9 including any attachments must be submitted with this appeal.

From: Petty Ryan J 10698-040 BB MCK
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A—REASON FOR APPEAL I'm asking for credit for time spent in State Custody, to be credited towards my federal sentence. I was suppose to be paroled from my state sentence on 9/26/01. On 9/13/01 FBI agent Birdsong Requested the MDOC to put a hold on me for a pending Felony Investigation. (see attachment) Then on 9/25/01 The Michigan Parole Board Suspended my parole action due to information recieved from the FBI. Under 18 U.S.C. 3585 and 3586 "If Time spent in state custody, even for an unrelated offence, must be credited toward time served on a federal sentence if the continued state confinement was exclusively the product of such action by federal law-enforcement officials as to justify treating the state jail as the practical equivalent of a federal one" Ballard v. Blackwell, 449 F.2d 868, 869 (5th Cir. 1971) If it wasn't for the FBI requesting a hold on me ~~toward~~ of been paroled on 9/26/01. The only way they could give me a 12 month continuance. As it states in my parole board reconsideration paper The parole board was notified FBI Traverse City lodged felony suspect charges for major drug ring and several murders docket unknown. Due to this information, suspend and list jab. (see attachments) Also I must point out that I was never charged for murder nor was I a suspect in one. Due to this serious allegation I was continually denied my parole. Not untill I was able to get the MDOC to remove the murder allegations from my file was I able to get parole reinstated. So by law you must credit me with the time I spent in state custody from 9/26/01 to 3/05/04.

11-17-04 Ryan Petty
DATE SIGNATURE OF REQUESTER

Part B—RESPONSE

DATE

REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the General Counsel. Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response.

FIRST COPY: REGIONAL FILE COPY

CASE NUMBER: 357719**Part C—RECEIPT**CASE NUMBER: 600003

Return to: _____
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: _____

PETTEY, Ryan

Reg. No. 10698-040

Appeal No. 357014-R1

Page One

PART B - RESPONSE


You appeal the decision of the Warden at FCI McKean to deny your request for credit on your federal sentence. You contend that the period from September 26, 2001, through March 5, 2004, should be credited towards your federal sentence because a federal detainer was lodged against you with the state.

Your records reveal, on August 15, 2002, you were sentenced by the United States District Court for the Western District of Michigan, docket number 1:01-CR-218-03 to 60 months. This sentence was ordered to run consecutive to the state sentence you were serving at the time. You were "borrowed" from state custody to appear in federal court. After federal sentencing, you were returned to state custody to complete your obligation with them. On March 5, 2004, you were released from your state sentence via parole, to the federal detainer to commence your federal sentence.

Prior custody credit is governed by 18 U.S.C. § 3585(b), which provides: "a defendant shall be given credit toward the service of a term of imprisonment for any time he has spent in official detention prior to the date the sentence commences, (1) as a result of the offense for which the sentence was imposed; or (2) as a result of any other charge for which the defendant was arrested after the commission of the offense for which the sentence was imposed; that has not been credited against another sentence." The period of time for which you seek credit on your federal sentence was awarded by the state on the state sentence. Under § 3585(b), this period cannot be awarded to the federal sentence. Accordingly, your appeal is denied.

If you are dissatisfied with this response, you may appeal to the General Counsel, Federal Bureau of Prisons. Your appeal must be received in the Administrative Remedy Section, Office of General Counsel, Federal Bureau of Prisons, 320 First Street, N.W., Washington, D.C. 20534, within 30 calendar days of the date of this response.

Date: December 21, 2004


D. SCOTT PODRILL
Regional Director

600004

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy each of the completed BP-DIR-9 and BP-DIR-10, including any attachments must be submitted with this appeal.

From: Patterson, Ryan J 10648-040 B8 Mck
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A—REASON FOR APPEAL I am asking for time spent in State Custody. I was set to be released on parole on 9/26/01. On 9/13/01 F.B.I agent BirdSong requested a hold pending a federal investigation (see attachment). The only way the M.D.O.C could detain me was for the parole board to suspend my parole and give me a 12 month continuous. see attachment 2. Under 18 U.S.C. 3585 If time spent in state custody even for an unrelated offence, must be credited toward time served on a federal sentence if continued state confinement was exclusively the product of such action by federal law enforcement officials as to justify treating the State jail as the practical equivalent of a federal one see (Ballard v. Blackwell, 449 Fed 868, 869 (5th cir) As you can see with the documents I provided, that my parole was suspended because of actions by F.B.I Agent BirdSong. Also Agent BirdSong provided false information to the MICHIGAN AUTHORITIES and violated Rule 66(e)(2) of the criminal procedure to help back up the false allegation. In my reconsideration paper it states "felony suspect charges have been lodged by FBI for major drug ring and several murders" I was never even a suspect in one murder let alone share with several. If it wasn't for agent BirdSong conduct I would

1-11-05 Ryan Patterson
DATE SIGNATURE OF REQUESTER

Part B—RESPONSE

DATE GENERAL COUNSEL

SECOND COPY: REGIONAL FILE COPY CASE NUMBER: 10648-040

Part C—RECEIPT CASE NUMBER: 10648-040

Return to: Patterson, Ryan J 10648-040 B8 Mck
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: _____

DATE SIGNATURE OF RECIPIENT OF CENTRAL OFFICE APPEAL
BP-231(13)
APRIL 2000

of been realeased on 9/26/01. So therfore my state confinement was enhanced solely by the actions of a federal law enforement agency. So by law you must credit me with time I spent state custody from 9/26/01 to 3/05/04

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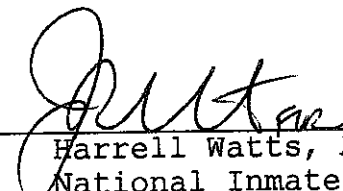
Administrative Remedy No. 357014-A1
Part B - Response

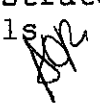
This is in response to your Central Office Administrative Remedy Appeal in which you are requesting credit for time spent in state custody be applied to your federal sentence. Specifically, you request this time from 9/26/01 through 3/05/04.

You provide no new information in this matter beyond that which you supplied in your Request for Administrative Remedy at the Institution and Regional levels. We concur with the previous findings in that the Bureau of Prisons computed your federal sentence in accordance with the applicable statutes, and in accordance with P.S. 5880.28, Sentence Computation Manual~CCCA.

Your appeal is denied.

2/17/2005
Date



Harrell Watts, Administrator
National Inmate Appeals 

000007